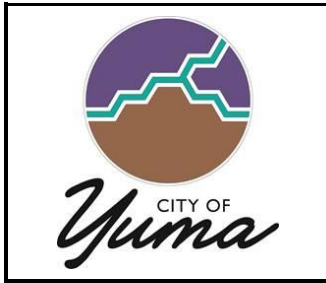


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on October 14, 2019, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.



Agenda **Planning and Zoning Commission Meeting** *City Hall Council Chambers* *One City Plaza*

Monday, October 14, 2019, 4:30 p.m.

CALL TO ORDER

CONSENT CALENDAR — All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

APPROVAL OF MINUTES

September 9, 2019 (3 of 4 required: Hamel, Counts, Mohindra, Ott)

September 23, 2019 (3 of 5 required: Hamel, Dammeyer, Counts, Whitehead, Follmuth)

WITHDRAWALS BY APPLICANT – NONE

TIME EXTENSIONS – NONE

CONTINUANCES – NONE

APPROVALS – NONE

PUBLIC HEARINGS — The Planning & Zoning Commission will be considering a vote or action on the following cases. Any vote or action will be considered separately for each case. As a part of the public hearing process, the City Planning & Zoning Commission is authorized to consider appropriate alternate Zoning Districts, which are no more intensive in development activity than the requested Zoning District. Additionally, the Commission is authorized to supplement requested rezoning actions with the Aesthetic Overlay (AO) District and/or the Public Designation (P) District as may be deemed appropriate.

1. **ZONE-27148-2019**: This is a request by Dahl, Robins and Associates, Inc., on behalf of Christopher G. Merziotis, to rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ.

INFORMATION ITEMS

1. **STAFF – PROPERTY ASSESSMENT PRESENTATION BY JOE WEHRLE**
2. **COMMISSION – DISCUSSION AND ACTION ON P&Z BY-LAWS**
3. **PUBLIC** — Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

EXECUTIVE SESSION

An Executive Session may be called during this public meeting for the purpose of receiving legal advice for items included on the October 14, 2019, Planning and Zoning Commission Meeting, pursuant to A.R.S. Section 38-431.03 A3 and the following items:

- A. Discussion, consultation for legal advice with the attorney(s) of the public body regarding appeals to the Planning and Zoning Commission and litigation.

ADJOURN

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of Yuma does not discriminate on the basis of disability in the admission of or access to, or treatment or employment in, its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities, or services contact: ADA/Section 504 Coordinator, City of Yuma Human Resources Division, One City Plaza, Yuma, AZ 85364; (928) 373-5125 or TTY (928) 373-5149.

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

Planning and Zoning Commission Meeting Minutes
September 9, 2019

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, September 9, 2019, at the City of Yuma, Public Works Training Room, 155 W. 14th Street, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Hamel, and Commissioners Gregory Counts, Vinod Mohindra and Tiffany Ott. Commissioners Fred Dammeyer and Shara Whitehead were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Rodney Short Deputy City Attorney; Agustin Cruz, Senior Civil City Engineer, Alyssa Linville, Assistant Director DCD / Zoning Administrator, Jennifer Albers, Principal Planner; and Amelia Griffin, Administrative Assistant.

Chairman Hamel called the meeting to order at 4:35 p.m. and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – August 26, 2019

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Mohindra, second by Counts, to APPROVE the Consent Calendar as presented. Motion carried unanimously (4-0 with 2 absent).

PUBLIC HEARINGS

GP-26567-2019: This is a Major General Plan Amendment request by Dahl, Robins and Associates on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to change the land use designations of Low Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation and Open Space to Low Density Residential, Medium Density Residential and Public/Quasi-Public for approximately 315 acres for properties located at the northeast corner, southeast corner and southwest corner of Avenue 7E and 44th St. (*This is the first of two public hearings.*)

Jennifer Albers, Principal Planner, summarized the staff report.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

Todd Tandarich, 7574 E. 42nd Place, Yuma, AZ, asked for clarification on the proposed parks.

Albers explained that the applicant intends to provide three separate 5-acre retention basins.

Kevin Dahl, 1560 S. 5th Avenue, Yuma, AZ, said it was most efficient to locate the basins in the center of each development.

Emmanuel Lopez, 7585 E. 40th Road, Yuma, AZ, said he did not receive information on the proposed change. **Lopez** asked if this proposal would affect his property value.

Albers explained at the initial stage notices are mailed to the surrounding property owners about the case itself. **Albers** said the staff report analysis was not developed until the Planning and Zoning Commission meeting. **Albers** added this request would be an increase of approximately 235 dwelling units from the current designation. **Albers** noted that a copy of the staff report was available.

Albers said the Yuma County Assessor's office could provide information regarding property values.

MOTION

Motion by Counts second by Mohindra to CLOSE Case Number GP-26567-2019. Motion carried unanimously (4-0, with 2 absent).

ZONE-26788-2019: This is a request by Elizabeth Valenzuela, on behalf of Yuma Elementary School District No. 1, rezone approximately 10.7 acres from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P), for the property located at the southeast corner of 45th Place and Bennie Avenue.

Rodney Short, Deputy City Attorney, informed the Commission that the applicant was not in attendance and requested to continue the case to the next scheduled Planning and Zoning meeting.

MOTION

Motion by Counts, second by Mohindra, to CONTINUE Case Number ZONE-26788-2019 to September 23, 2019. Motion carried unanimously (4-0, with 2 absent).

INFORMATION ITEMS

Staff

Laurie Lineberry, Director of Community Development, said City Council appointed Jacqueline Follmuth to the Planning and Zoning Commission.

Commission

None

Public

None

ADJOURNMENT

The meeting was adjourned at 4:47 p.m.

Minutes approved this _____ day of _____, 2019

Chairman

**Planning and Zoning Commission Meeting Minutes
September 23, 2019**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, September 23, 2019, at the City Hall Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present included Chairman Hamel, and Commissioners Gregory Counts, Fred Dammeyer, Jacqueline Follmuth, and Shara Whitehead. Commissioners Vinod Mohindra and Tiffany Ott were absent.

STAFF MEMBERS present included Laurie Lineberry, Director of Community Development; Rodney Short Deputy City Attorney; Agustin Cruz, Senior Civil City Engineer, Alyssa Linville, Assistant Director DCD / Zoning Administrator, Jennifer Albers, Principal Planner; Chad Brown, Associate Planner, Cheri Skinner, Associate Planner; and Amelia Griffin, Assistant Planer.

Chairman Hamel called the meeting to order at 4:30 p.m. and noted there was a quorum present.

Chairman Hamel introduced Commissioner Jacqueline Follmuth.

CONSENT CALENDAR

MINUTES – September 9, 2019

WITHDRAWALS BY APPLICANT –

1. **CUP-27146-2019**: This is a request by Jon Matheus, on behalf of FS1234 Texas, LLC, for a Conditional Use Permit to allow a cannabidiol (CBD) extraction facility, in the Heavy Industrial (H-I) District. The property is located at 7211 E. 30th Street, Yuma, AZ.

CONTINUANCES –

1. **CUP-25030-2019**: This is a request by Martin Guzman, on behalf of Francisco and Irene Guzman, for a Conditional Use Permit to allow multiple mobile food vendors on one commercial property in the General Commercial/Aesthetic Overlay (B-2/AO) District, for the property located at 1744 S. Pacific Avenue, Yuma, Arizona. (*Continued to October 28, 2019.*)

APPROVALS –

1. **ZONE-26788-2019**: This is a request by Elizabeth Valenzuela, on behalf of Yuma Elementary School District No. 1, rezone approximately 10.7 acres from the Agriculture/Conditional Low Density Residential (AG/Cond. R-1-8) District to the Low Density Residential/Public Overlay (R-1-8/P), for the property located at the southeast corner of 45th Place and Bennie Avenue. (*Continued from September 9, 2019.*)
2. **SUBD-27156-2019**: This is a request by Premier Storage Condominiums of Yuma Unit 2, LLC, for approval of the final plat for Phase IV (Building 6) and Phase V (Building 7) of the Premier Storage Condominiums of Yuma Unit 2 Subdivision, Phases III Thru VIII. The two phases, totaling 3.55 acres, are proposed to create 123 storage condominiums in two new buildings, for the property located at the southeast corner of E. 32nd Street and S. Avenue 3 3/4E, Yuma, AZ.

Motion by Counts, second by Dammeyer, to APPROVE the Withdrawals, Continuances, and Approvals section of the Consent Calendar. The minutes of September 9, 2019 were deferred to the next scheduled meeting. Motion carried unanimously (5-0 with 2 absent).

PUBLIC HEARINGS

GP-26567-2019: This is a Major General Plan Amendment request by Dahl, Robins and Associates on behalf of the Brian L. Hall Living Trust and the Michael T. Hall Living Trust, to change the land use designations of Low Density Residential, Commercial, Public/Quasi-Public and Resort, Recreation and Open Space to Low Density Residential, Medium Density Residential and Public/Quasi-Public for approximately 315 acres for properties located at the northeast corner, southeast corner and southwest corner of Avenue 7E and 44th St. (*This is the 2nd of two public hearings.*)

Jennifer Albers, Principal Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

Angela Tandarich, 7574 E. 42nd Place, Yuma, AZ, said she was not expecting new developments adjacent to her property within the next five to ten years. She expressed her concern with potential traffic issues and added that she did not want to live in a crowded neighborhood.

MOTION

Motion by Dammeyer second by Whitehead to APPROVE Case Number GP-26567-2019. Motion carried unanimously (5-0, with 2 absent).

CUP-27141-2019: This is a request by Pancrazi Real Estate Services, on behalf of RTB Enterprises, to allow a solid waste transfer facility within 600 feet of a residential zoning district. The subject parcel is within the Light Industrial (L-I) District, and is located at 2180 S. Pacific Avenue, Yuma, AZ.

Cheri Skinner, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

None

APPLICANT / APPLICANT'S REPRESENTATIVE

David Diaz, 2333 Spencer Avenue, Pomona, CA, said he was the Vice-President for Hydrochem. **Diaz** said he understood the neighbors' concerns and wanted to address the misconceptions of this proposal. **Diaz** said the materials were non-hazardous and added that majority of the materials were cosmetics coming from major retail stores. **Diaz** explained that there were several processes in place prior to the material being accepted into this facility. **Diaz** said this proposal would not be detrimental to the surrounding neighborhoods. **Diaz** said the materials could also come from different cities in Arizona. **Diaz** explained that the hours of operation would be from 6:00am to 6:00pm and would not have more than five trucks per day. **Diaz** explained that measures and practices were in place in the event that there was a spill on the property. **Diaz** added that this proposal would bring business and more jobs to Yuma.

David Rains, P.O. 1240 Crestline, CA, explained that the materials on this site would not pollute the air. **Rains** said they were proposing inward facing lighting and would not impact the surrounding properties.

Hamel asked if this property would have a barrier. **Rains** said there would be a fence around the property. **Rains** added that this was a great use of the space.

Hamel asked for the safety practices in place for this facility. **Rains** said the facility had fire sprinklers, fire alarm system, secured fencing, indoor and outdoor surveillance cameras.

Hamel asked how the materials would be verified prior to arriving at the facility. **Rains** explained that the clients bringing in the materials filled out a pre-certified questionnaire. **Rains** explained the process and reiterated that the materials were non-hazardous. **Rains** added that the facility would have an open door policy for the Fire Department and ADEQ.

Hamel asked for clarification on the type of containers that would be stored on the property. **Rains** explained that they utilized DOT regulated containers.

Counts asked for clarification on how they would prevent odors from permeating to the surroundings neighborhoods. **Rains** said he did not handle materials that their smell would permeate to the surrounding neighborhoods.

Dammeyer asked for clarification on why the materials were brought to Yuma. **Diaz** explained that it was easier to dispose of the materials in a timely manner.

PUBLIC COMMENT

Rosemary Hewett, 2550 S. Virginia Dr. #20 Yuma, AZ, expressed her concern with this request and said it would negatively impact the surrounding schools and neighborhoods. **Hewett** said she was not notified of this request because she was not a property owner. **Hewett** suggested using another site for the proposed use.

Forrest May, 1796 S. 6th Ave, Yuma, AZ, said he feared for the individuals living in proximity to this location. **May** said there was a chance of a fire in this building. **May** said the individuals in the Mobile Home Park have

lived there for many years. **May** suggested using another cite for the proposed use. **May** said he did not want live in close proximity to this operation. **May** added that a fire at this location would be detrimental to the surrounding properties. **May** expressed his concern with access to this property.

Joseph Nelson, 1950 E. 24th St, Lot 102, Yuma, AZ, said he lived approximately seventy-five yards away from the wall that separated his home from this facility. **Nelson** said waste would always leak. **Nelson** added that he had experience with forklifts and containers spill. **Nelson** added having two separate containers with different chemicals could cause a chemical reaction. **Nelson** said there was a waterway nearby that provided irrigation for schools and parks in the area.

Greg Johnson, 2031 E. La Mesa St, Yuma, AZ, said accidental spills of materials on this property were inevitable. **Johnson** added that vandalism occurred in every town and could not be prevented.

Kelly Smith, 3763 S. Bella Vista Dr, Yuma, AZ, expressed her concern with the materials that would be on this property. **Smith** questioned why the City of Yuma would accept materials that other municipalities did not accept. **Smith** added that Yuma should not be responsible for disposing other city's waste. **Smith** said the City of Yuma did not need to receive revenue through waste sites.

Ken Felty, 1950 E. 24th St, Lot 44, Yuma, AZ, questioned why the materials could not be directly hauled to the landfill. **Felty** also asked for clarification on who would be financially responsible for certifying the incoming materials. **Felty** expressed his concern with access to the property and the current road condition.

Carl Harrison, 1950 E. 24th St, Lot 123, Yuma, AZ, said the effects of chemicals did not instantly appear. **Harrison** said the surrounding businesses had windsocks to alert emergency response officials. **Harrison** expressed his concern with access to this property and added that the road was not capable of heavy traffic. **Harrison** suggested improving the road to handle semi-trucks. **Harrison** questioned if this company would have a performance bond. **Harrison** said the surrounding taxpayers would be negatively impacted if this company went bankrupt and left materials on the property.

Sandy Coppola, 1950 E. 24th St, Lot 24, Yuma, AZ, said she was strongly opposed to this request. **Coppola** said this property was within 600' of her home and would have a detrimental effect on the surrounding community. **Coppola** expressed her concern with the proposed materials on the site and traffic. **Coppola** said this proposal would aggravate breathing issues for the residents in Sunrise Mobile Estates. **Coppola** said the containers were opened to certify the materials. **Coppola** said some of the materials identified in the staff report had a flashpoint of 100-degrees Fahrenheit. **Coppola** stated the materials were stored outside and outdoor temperatures were over 100 degrees in the summer. **Coppola** questioned how the fire department would access the property in case of an emergency. **Coppola** added that the irrigation ditch was in close proximity to this property.

James Tawzer, 2473 S. Kathleen Ave, Yuma, AZ, said the surrounding properties have not been maintained by the city. **Tawzer** said the city should maintain the surrounding properties before adding another business to this location.

J.M. Bargar, 1950 E. 24th St, Lot 69, Yuma, AZ, said his home was located approximately within 5' of the wall separating the properties. **Bargar** expressed his concern with excessive noise this proposed use would generate.

Paulene Wohlgemuth, 1950 E. 24th St, Lot 84, Yuma, AZ, said there were approximately 91 homes in the Mobile Home Park within the 600' notification range that were not notified. **Wohlgemuth** said the irrigation canal that was in use was not addressed in the staff report. **Wohlgemuth** expressed her concern with potential odors, noise, and traffic. **Wohlgemuth** said she had a sensitive fragrance allergy and this proposal would aggravate her existing health conditions. **Wohlgemuth** said forklifts had loud beeping sounds that would generate excessive noise.

Richard Harvey, 1950 E. 24th St, Lot 170, Yuma, AZ, said he was opposed to this request. **Harvey** explained there was a difference between used oil and waste oil and waste oil was regulated as hazardous waste in California. **Harvey** said the applicant stated they would not handle waste oil. **Harvey** said according to page 17 in the staff report, this facility would handle 32 tons of waste oil annually. **Harvey** expressed his concern with the amount of materials that would be transferred to this property. **Harvey** added that OSHA may require back up alarms on forklifts and would disturb the surrounding residents. **Harvey** said public comments were not received because the residents of the mobile home park were not notified.

Ron Bailey, 1950 E. 24th St, Lot 51, Yuma, AZ, expressed his concern with traffic and said the semi-trucks would deteriorate city roads.

Sharon Harrison, 1950 E 24th St, Yuma, AZ, said she was opposed to this request. **Harrison** questioned how the materials would be verified. **Harrison** asked why the materials needed to be transferred to this site. **Harrison** said there was not an evacuation plan if there was a fire on this property. **Harrison** expressed her concern with property values and said it would be difficult to sell the homes located in the mobile home park if this request was approved. **Harrison** added that the Yuma County Assessor was not aware of this request. **Harrison** requested denial of this request.

Doug Jennings, 2071 S. Maple Ave, Yuma, AZ, said he was opposed to this request. **Jennings** expressed his concern with the impact this request would have on the surrounding schools and neighborhoods. **Jennings** added that traffic issues and potential spills were not addressed in the staff report.

Marc Brown, 1534 Beach Camper Blvd, Lake Havasu, AZ, said he represented Sunrise Mobile Home Park. **Brown** said he was unaware of this proposal and added that the residents of the mobile home park should have been notified. **Brown** said the semi-trucks would generate excessive noise. **Brown** added that the semi-trucks idling on this property would add noise and put diesel fumes into the neighborhood. **Brown** said the mobile home park was established in 1974 and was a safe affordable place for seniors to live. **Brown** said approval of this request would be detrimental to the surrounding properties.

Tom Pancrazi, 350 W. 16th Street, Yuma, AZ, thanked staff for working with the applicant. **Pancrazi** said the proposed solid-waste facility would not handle hazardous materials. **Pancrazi** said the trains would create more noise and pollution than this facility. **Pancrazi** said the applicant was required to agree with the conditions of approval. **Pancrazi** added that the Mobile Home Park was on one parcel and the property owner was notified. **Pancrazi** said that the city was responsible for maintaining the road.

Counts said this request would be detrimental to the surrounding community.

Dammeyer asked for clarification on what businesses were previously located on the subject property.

Laurie Lineberry, Director of Community Development, said Barco Stamping Co and Insultech. **Lineberry** explained Barco Stamping Co was on the site when it was annexed from the County and Insultech went through the Conditional User Permit process.

MOTION

Motion by Counts second by Whitehead to DENY Case Number CUP-27141-2019. Motion carried unanimously (5-0, with 2 absent).

ZONE-27138-2019: This is a request by Rodolfo Bernal and Ramiro and Monique Sandoval to rezone two residential lots, each approximately 7,000 square feet, from the General Commercial (B-2) District to the Medium Density Residential (R-2) District, while maintaining the existing Infill Overlay (IO) District, for the properties located at 1146 and 1154 South 3rd Avenue, Yuma, Arizona.

Chad Brown, Associate Planner, summarized the staff report, recommending **APPROVAL**.

QUESTIONS FOR STAFF

None

PUBLIC COMMENT

None

MOTION

Motion by Dammeyer second by Counts to APPROVE Case Number ZONE-27138-2019. Motion carried unanimously (5-0, with 2 absent).

INFORMATION ITEMS

Staff

Laurie Lineberry, Director of Community Development, informed the Commission that staff was required by State law to use the Yuma County Assessor records for property ownership information and those records do not include individual RV owners. **Lineberry** added a notification was mailed to the mobile home park property owner. **Lineberry** said staff has discussed making additional postcard flyers and distributing them to park managers for

future cases involving a mobile home park within the notification range. **Lineberry** added that the postcard has the neighborhood and public meeting date, time, and location.

Hamel thanked staff for the information.

Commission

Hamel said the applicant for the Conditional Use Permit was trying to do the right thing but the proposed use was not a good fit for the location.

Public

Joe Wehrle, Yuma County Assessor, said he was aware of how city staff developed the list of property owners to notify. He explained city GIS gets the real property ownership and not the personal property ownership. **Wehrle** added that the assessor's office did not typically distribute personal property ownership information to the city. **Wehrle** said he was more than happy to work with city staff and extract all property owner information from his database to rectify the issue.

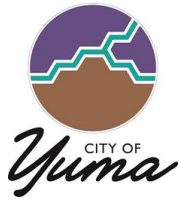
Hamel thanked Joe Wehrle for the information.

ADJOURNMENT

The meeting was adjourned at 6:22 p.m.

Minutes approved this _____ day of _____, 2019

Chairman



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE
CASE PLANNER: ALYSSA LINVILLE

Hearing Date: October 14, 2019

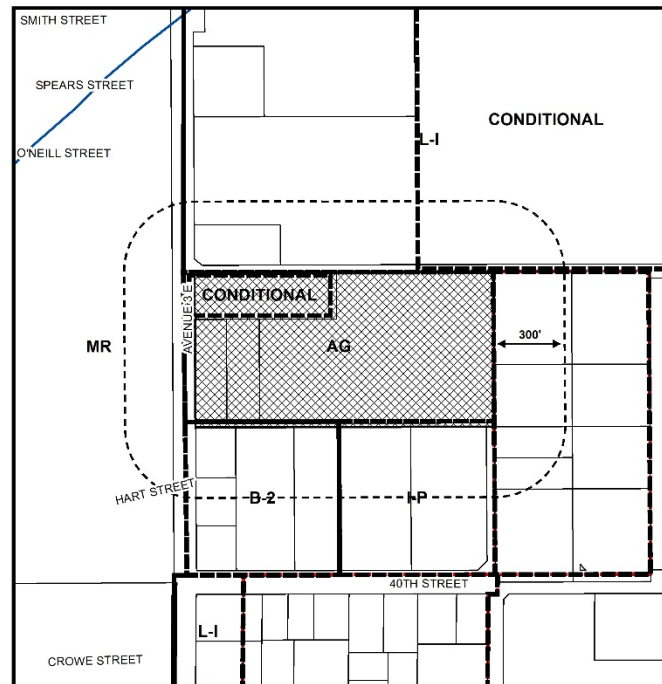
Case Number: ZONE-27148-2019

Project Description/Location:

This is a request by Dahl, Robins and Associates, Inc., on behalf of Christopher G. Merziotis, to rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38th Street alignment, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Agriculture/Airport Overlay (AG/AD)	Undeveloped	Industrial
North	Light Industrial/Airport Overlay (L-I/AD)	Sam Day Auto Sales/ Undeveloped	Industrial
South	General Commercial/Airport Overlay (B-2/AD)	Various Commercial/ Industrial Uses	Commercial/Industrial
East	Yuma County	Undeveloped	Industrial
West	Military Reservation/Airport Overlay (MR/AD)	Marine Corps Air Station	Public/Quasi Public

Location Map



Prior site actions: Annexation: Ord. 2015 (July 3, 1981); Rezone: APN: 696-61-001 (Ord. O2005-104; AG to L-I/AO; Expired)

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the Agriculture District to the Light Industrial (L-I) District, while maintaining the Airport Overlay (AD) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE-27148-2019 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the rezone, the Planning and Zoning Commission is recommending approval to City Council for the request to rezone approximately 19.31 acres from the Agriculture (AG) District to the Light Industrial (L-I) District, while maintaining the existing Airport Overlay (AD) District, for the properties located at the southeast corner of Avenue 3E and the 38th Street alignment, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The rezone request contains four parcels located at the southeast corner of Avenue 3E and the 38th street alignment. Historically, a majority of the area was used for the housing of equine and accessory equestrian facilities. In its entirety, the subject area is approximately 19.31 acres in size. The intent of this rezone is to allow the development of an industrial subdivision.

The principal purposes of the Light Industrial (L-I) Zoning District are to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor; dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development. Uses permitted within the district include assembling or fabrication of products, warehousing of products or materials, offices with adjacent storage yards for construction contractors, and automotive repair.

While there are a variety of uses permitted within the proposed Light Industrial (L-I) District, there may be limitations on specific uses as the property is located within the 70/75 dB noise contour of the Airport Overlay (AD) District. The Airport Overlay (AD) District will also require additional sound attenuation to be incorporated into the design and construction of all new buildings.

Following the subdividing of the properties, all resulting parcels will be required to meet all development standards as specified in the City of Yuma's Zoning Code. These development requirements include paved parking, access, setbacks, height limitations, landscaping, and lighting.

The request to rezone the property from the Agriculture (AG) District to the Light Industrial (L-I) District is in conformance with the General Plan.

1. Does the proposed zoning district conform to the Land Use Element?

Yes.

2. Are there any dedications or property easements identified by the Transportation Element?

Yes.

Transportation Element	Planned	Existing	Difference	Requested
Avenue 3E – 4-Lane Principal Arterial	50 FT H/W ROW	50 FT H/W ROW	0 FT	0 FT
38 th Street – Local Street	29 FT H/W ROW	0 FT	-29 FT	29 FT

3. Does the proposed rezoning of the property conform to the remaining elements of the general plan?

Yes.

4. Does the proposed rezoning conform to the adopted facilities plan?

Yes.

5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?

Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment B.

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: September 30, 2019

Final staff report delivered to applicant on: October 3, 2019

- | | |
|--|---|
| <input checked="checked" type="checkbox"/> | Applicant agreed with all of the conditions of approval on: September 30, 2019 |
| <input type="checkbox"/> | Applicant did not agree with the following conditions of approval: (list #'s) |
| <input type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. |

Attachments

A	B	C	D	E
Conditions of Approval	External Agency Comments	Conceptual Site Plan	Aerial Photo	Staff Research

Prepared By: 
Alyssa Linville,
Assistant Director
Community Development

Alyssa.Linville@yumaaz.gov

Date: 09.30.19
(928)373-5000, ext. 3037

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 9.30.19

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

Department of Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

Engineering, Agustin Cruz, Senior Civil Engineer, (928) 373-5182:

4. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, the south 29' as right-of-way of 38th Street, which corresponds to a local street as outlined in the City of Yuma Transportation Master Plan.
5. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a corner visibility triangle in all intersection corners of the proposed development, as specified in City of Yuma Construction Standard 3-005.
6. Owner shall dedicate, via warranty deed or plat, to the City of Yuma, a one-foot non-access easement along Avenue 3E frontage, except at approved access location determined at time of development.

Community Planning, Alyssa Linville, Assistant Director Community Development, (928) 373-5000, ext. 3037:

7. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

Any questions or comments regarding the Conditions of Approval as stated above should be directed to the staff member who provided the comment. Name and phone numbers are provided.

ATTACHMENT B
EXTERNAL AGENCY COMMENTS

☒ COMMENT ☐ NO COMMENT

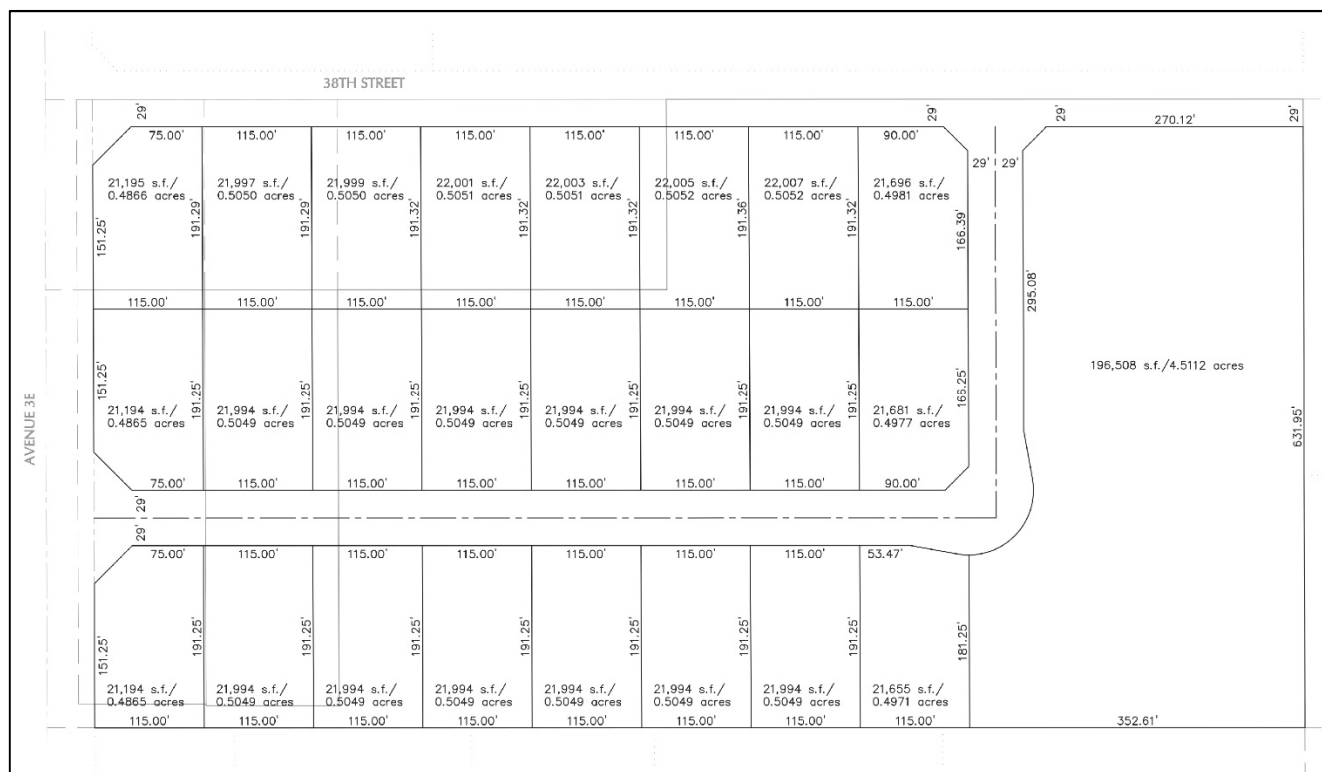
Enter comments below:

The subject property is located within the 65-70 dB noise contour. The request is permissible according to FAA Order 1050-1E, as long as measures to achieve NLR of 25 dB are incorporated into the design and construction of portions where the public is received office areas, noise sensitive areas or where the normal noise level is low. Please also file an aviation disclosure agreement with MCAS Yuma recognizing noise, interference or vibrations may occur at MCAS/Yuma International Airport. Thank you.

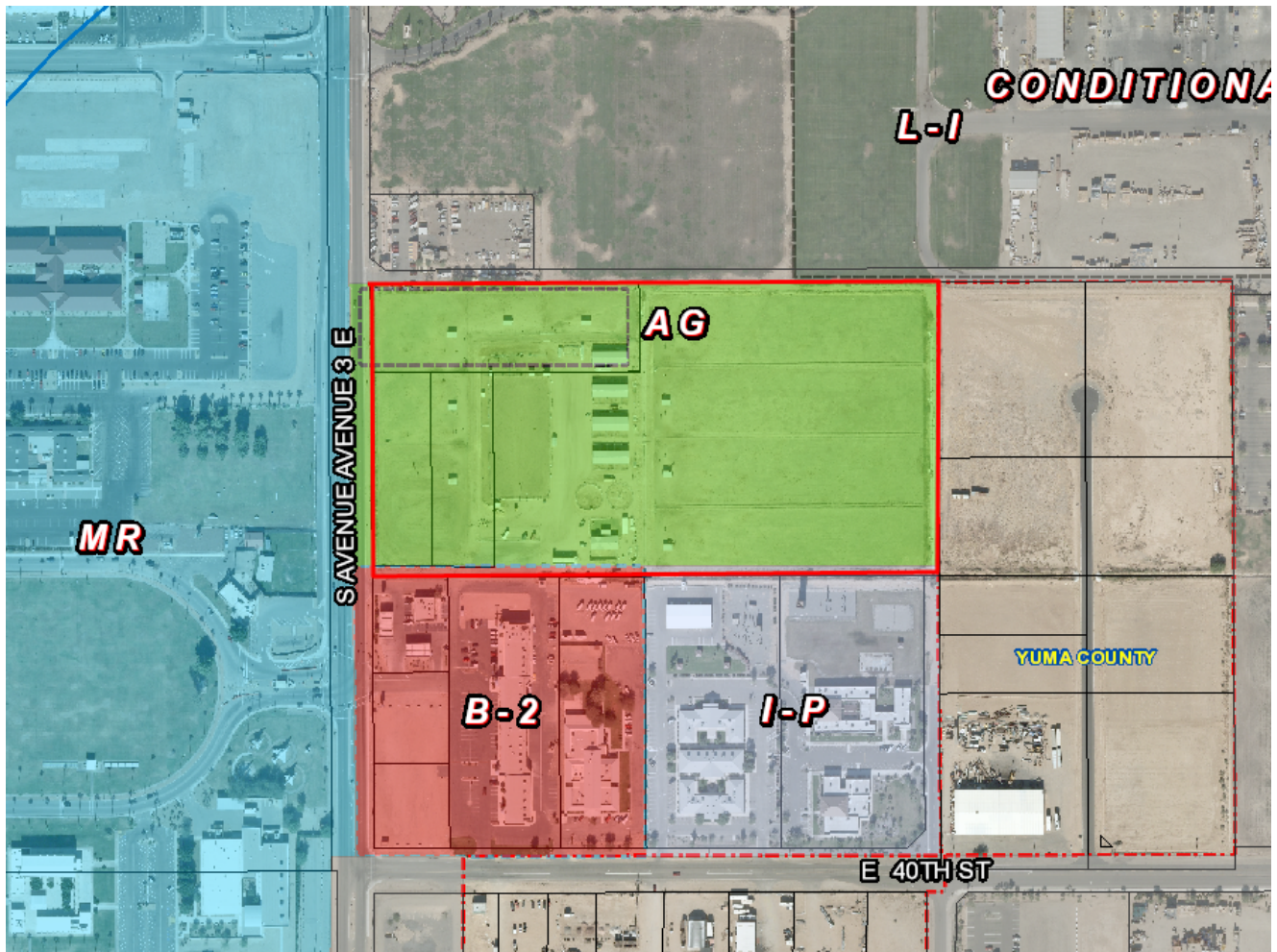
DATE: 9/5/19 NAME: Gen Grosse TITLE: Property/Community Relations
AGENCY: Yuma County Airport Authority
PHONE: (928) 726-5882
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

ATTACHMENT C

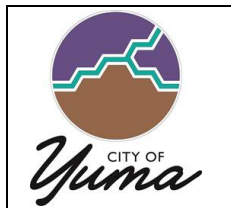
CONCEPTUAL SITE PLAN



ATTACHMENT D
AERIAL PHOTO



ATTACHMENT E
STAFF RESEARCH



STAFF RESEARCH – REZONE

CASE #: ZONE-27148-2019
CASE PLANNER: ALYSSA LINVILLE

I. PROJECT DATA

Project Location:		Located at the southeast corner of Avenue 3E and the 38 th Street alignment											
Parcel Number(s):		696-61-001, 002, 003, 004											
Parcel Size(s):		841,143 square feet											
Total Acreage:		19.31 acres											
Proposed Dwelling Units:		None											
Address:		3879 and 3899 S. Avenue 3E											
Applicant:		Christopher G. Merziotis											
Applicant's Agent:		Dahl, Robins & Associates, Inc.											
Land Use Conformity Matrix:		Conforms:		Yes	X	No							
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None						
Airport	X	Noise Contours	65-70	70-75	X	75+	APZ1	APZ2	Clear Zone				
	Existing Zoning			Use(s) on-site			General Plan Designation						
Site	Agriculture/Airport Overlay (AG/AD)			Undeveloped			Industrial						
North	Light Industrial/Airport Overlay (L-I/AD)			Sam Day Auto Sales/ Undeveloped			Industrial						
South	General Commercial/Airport Overlay (B-2/AD)			Various Commercial/ Industrial Uses			Commercial/Industrial						
East	Yuma County			Undeveloped			Industrial						
West	Military Reservation/Airport Overlay (MR/AD)			Marine Corps Air Station			Public/Quasi Public						
Prior Cases or Related Actions:													
<u>Type</u>	<u>Conforms</u>				<u>Cases, Actions or Agreements</u>								
Pre-Annexation Agreement	Yes		No		N/A								
Annexation	Yes	X	No		Ord. 2015 (July 3, 1981)								
General Plan Amendment	Yes		No		N/A								
Development Agreement	Yes		No		N/A								
Rezone	Yes		No	X	APN: 696-61-001 (Ord. O2005-104; AG to L-I/AO; Expired)								
Subdivision	Yes		No		N/A								
Conditional Use Permit	Yes		No		N/A								
Pre-Development Meeting	Yes	X	No		November 20, 2018								
Design Review Commission	Yes		No		N/A								
Enforcement Actions	Yes		No										
Avigation Easement Recorded	Yes		No	X	Fee #								
Land Division Status:		Legal lots of record											
Irrigation District:		Yuma Mesa Irrigation and Drainage District (YMIDD)											
Adjacent Irrigation Canals & Drains:		None											
Water Conversion: (5.83 ac ft/acre)		112.58 Acre Feet a Year											
Water Conversion Agreement Required		Yes		No	X								

II. CITY OF YUMA GENERAL PLAN

Land Use Element:

Land Use Designation:	Industrial									
Issues:	None									
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X		
Historic Buildings on Site:	Yes		No	X						

Transportation Element:

FACILITY PLANS

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 3E – 4-Lane Principal Arterial	50 FT H/W ROW	50 FT H/W ROW			X	X
38 th Street – Local Street	29 FT H/W ROW	0 FT				
Bicycle Facilities Master Plan	Avenue 3E: Existing Bike Path					
YCAT Transit System	N/A					
Issues:	None					

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan			
Neighborhood Park:	Existing: None	Future: None	
Community Park:	Existing: None	Future: None	
Linear Park:	Existing: None	Future: None	
Issues:	None		

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

Planned Redevelopment Area:	N/A									
Adopted Redevelopment Plan:	North End:		Carver Park:		None:	X				
Conforms:	Yes		No		N/A					

Conservation, Energy & Environmental Element:

Impact on Air or Water Resources	Yes		No	X	
Renewable Energy Source	Yes		No	X	
Issues:	None				

Public Services Element:

Population Impacts Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	Dwellings & Type <i>Non-residential</i>		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	Maximum	Per Unit		Officers	GPD	AF	GPD
	0	0	0	0.00	0	0.0	0
	Minimum						
	0	0	0	0.00	0	0.0	0
Fire Facilities Plan:		Existing: MCAS			Future: Fire Station No. 8		
Water Facility Plan:		Source:	City	X	Private	Connection: 16" AC	
Sewer Facility Plan:		Treatment:	City	X	Septic	Private Connection: 24" RGRC	
Issues:		None					

Safety Element:

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes		No	X
Issues:	None					

Growth Area Element:									
Growth Area:	Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.		
	North End		Pacific Ave & 8 th St		Estancia		None	X	
Issues:	None								

NOTIFICATION

- **Legal Ad Published: The Sun** (09/20/19)
- **300' Vicinity Mailing:** (08/26/19)
- **34 Commenting/Reviewing Agencies noticed:** (08/29/19)
- **Neighborhood Meeting:** (N/A)
- **Hearing Dates:** (10/14/19)
- **Comments Due:** (09/09/19)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	Yes	09/05/19		X	X
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	Yes	08/30/19	X		
Yuma County Planning & Zoning	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	Yes	09/03/19	X		
Yuma Irrigation District	Yes	09/04/19	X		
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	Yes	09/04/19	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Holiman, Fire	Yes	08/30/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	Yes	09/06/19			X
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

Neighborhood Meeting	Comments Available
NONE REQUIRED	See Staff Report Attachment
Prop. 207 Waiver	
Given to Applicant on October 14, 2019 in person.	

PUBLIC COMMENTS RECEIVED: NONE RECEIVED.

INTERNAL COMMENTS RECEIVED

☒ Condition(s)

☐ No Condition(s)

☐ Comment

Enter conditions here: The subject parcels are located within the 70dB Noise Contour and as such MCAS Yuma would like to review the proposed Light Industrial use in order to determine its compatibility with our Air Installation Compatible Use Zone regulation. Most industrial and trade uses are compatible with some mitigation measures. This is a conditional approval based upon specific use.

DATE: 6 Sept 2019 NAME: Mary Ellen Finch TITLE: Community Liaison Specialist
CITY DEPT: MCAS Yuma
PHONE: 928-269-2103
RETURN TO: Alyssa Linville
Alyssa.Linville@YumaAZ.gov

